



### Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313 on:

4/8/2005  
(Date)

*Sharon Shelton*  
(Sharon Shelton)

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : Amirault et al.  
Filed : January 26, 2004  
Serial No. : 10/764,934  
Title : Booster Seat  
Docket No. : ECI06-GN003 (920/C1)  
Examiner : Stephen D. D'Adamo  
Art Unit : 3636

Commissioner for Patents  
Alexandria, VA 22313

Dear Sir:

### DECLARATION OF PRIOR INVENTION UNDER 37 CFR § 1.131

I, David Amirault declare the following:

1. I am an inventor of the subject matter described in claims 38-39 of the above-identified patent application.
2. Prior to September 24, 2001, I had conceived of the invention as described in the above-identified patent application, and then diligently worked to reduce the invention to practice as evidenced by the following enclosed documents:
  - (a) A picture of a pivotable armrest for use in connection with a child booster seat dated 8/28/01 having a body including a seat back and a seat pan and a seat belt guide. As can be seen in that picture, the armrest

includes an aperture therethrough for pivotally coupling the armrest to the body.

(b) A picture of a pivotable armrest for use in connection with a child booster seat dated 8/28/01 having a body including a seat back and a seat pan and a seat belt guide. As can be seen in that picture, the armrest includes an aperture therethrough for pivotally coupling the armrest to the body.


(c) A picture of a mount for use in connection with pivotably mounting an armrest for use in connection with a child booster seat dated 8/28/01 having a body including a seat back and a seat pan and a seat belt guide. As can be seen in that picture, the mount includes an aperture therethrough for pivotally coupling the armrest to the mount.

3. Prior to September 24, 2001, I had conceived of the invention as described in the above-identified patent application in this country, and thereafter diligently worked to reduce that invention to practice as evidenced by the documents included herewith.

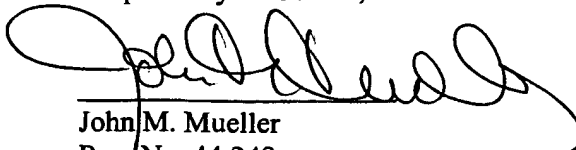
As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

#### SIGNATURES

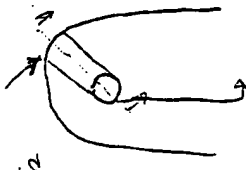
Full name of listed inventor: David Amirault  
Inventor's Signature   
Date 4/8/05  
Citizenship : United States of America  
Residence : 1537 Brookfield Lane, Troy, Ohio, 45373  
Post Office Address : c/o Evenflo Company, Inc.  
707 Crossroads Ct.  
Vandalia, OH 45377

Respectfully submitted,

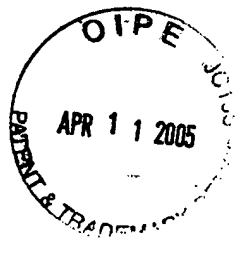
  
John M. Mueller  
Reg. No. 44,248

Taft, Stettinius & Hollister LLP  
425 Walnut Street; Suite 1800  
Cincinnati, OH 45202-3957  
513-357-9610  
[mueller@taftlaw.com](mailto:mueller@taftlaw.com)

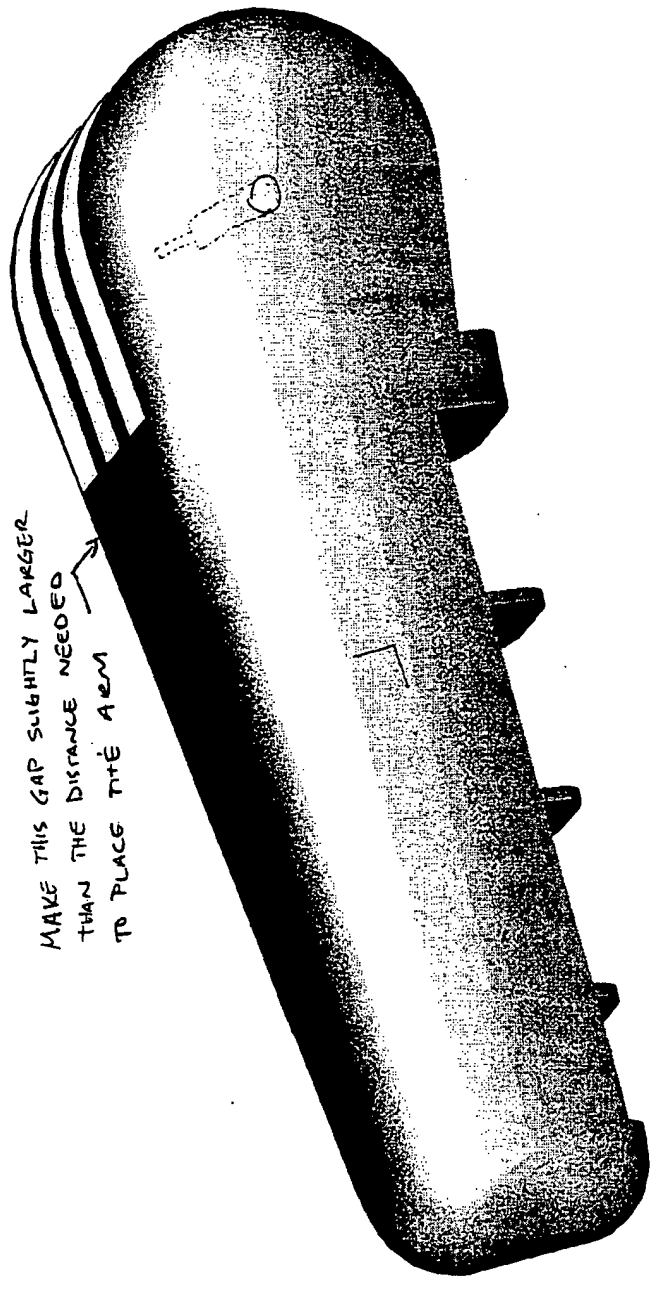
PULL  
CHANNEL FOR  
PIN



SHAPE THE PADDING SO  
THERE'S A LEFT & RIGHT



SLIDE FOR SCREW  
(IF THE PIN AREA IS TOO SMALL  
WILL NOT HOLD)



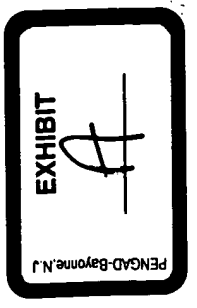
MAKE THIS GAP SLIGHTLY LARGER  
THAN THE DISTANCE NEEDED  
TO PLACE THE ARM

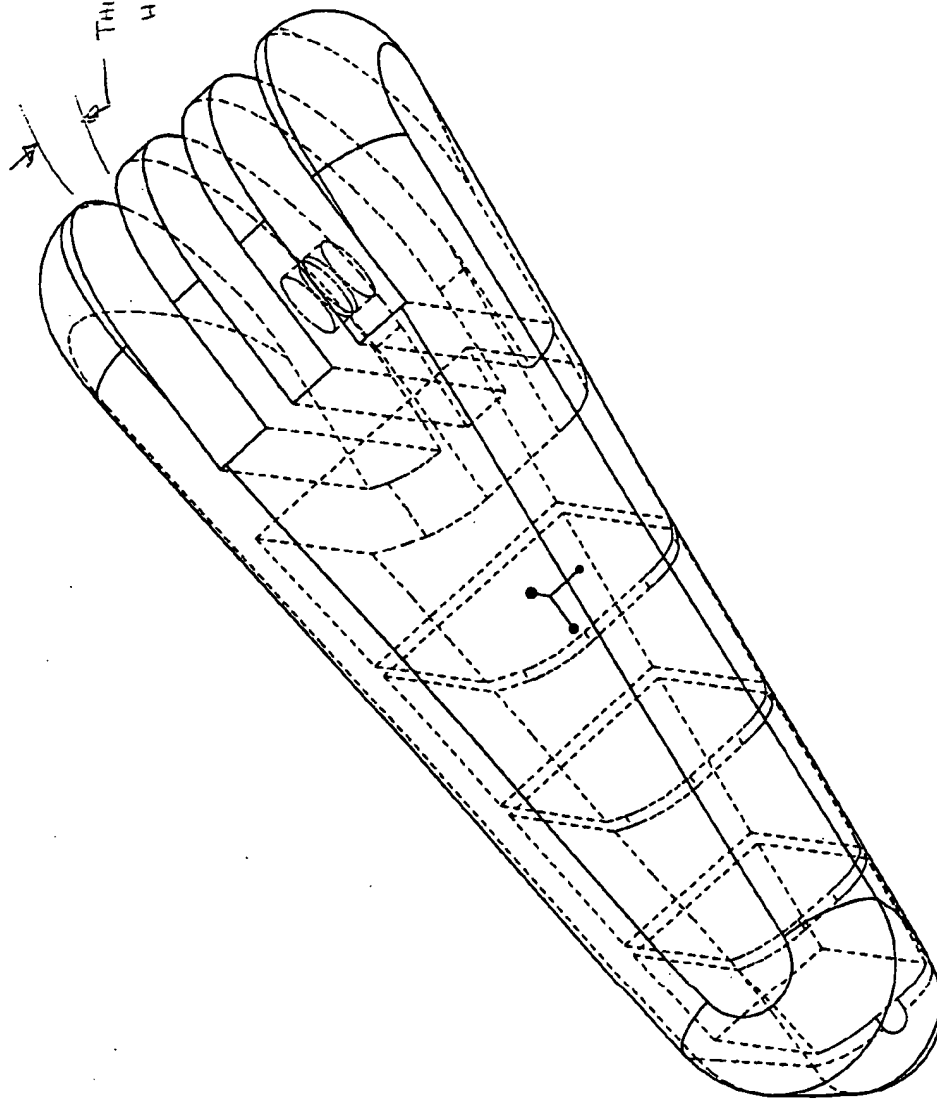
POLYPROPYLENE  
VOLUME = 16.21 in<sup>3</sup>  
MASS = 0.53 lbs

APPROXIMATELY 4.85 x 3 x 3

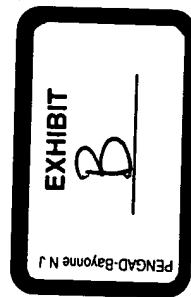
2 DEC SEAT

2/28/01





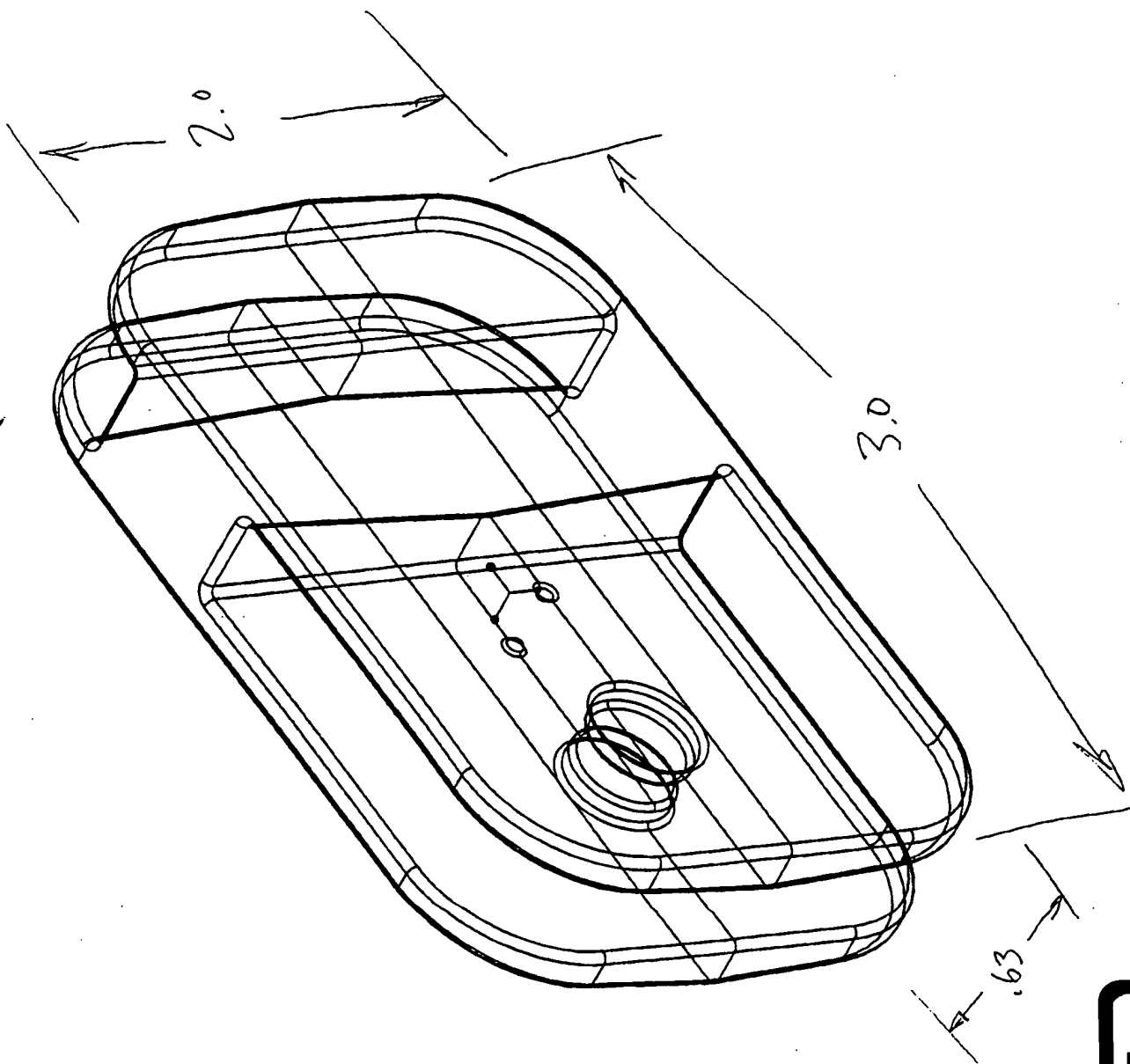
THIS OPENING SHOULD NOT ALLOW THE  
HINGE TO FLEX OPEN WHEN PUSHED  
FROM THE SIDE.



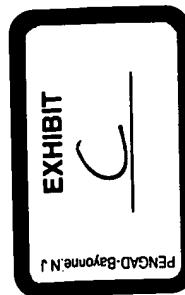
5/28/01

ARM REST IN

VOLUME - 2.17 in<sup>3</sup>  
MASS - .007 lbs.  
x .90  
= .0063



BEST AVAILABLE COPY



5/26/61